

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

CHARLES WAGGONER, )  
                        )  
                        Plaintiff )  
                        )  
                        vs.         )                              No. CIV-07-454-C  
                        )  
DALE CAGLE,            )  
                        )  
                        Defendant )

ORDER OF DISMISSAL

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Valerie K. Couch, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on June 8, 2008, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned opinion of the Magistrate Judge. No point would be served in repeating that analysis. Plaintiff does not specifically dispute either the factual recitation or the legal reasoning employed by the Magistrate Judge, but rather disagrees, in a summary fashion, with the ultimate conclusions. There is nothing asserted by the Plaintiff which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result.

Accordingly, the Court adopts the Report and Recommendation, in its entirety, and for the reasons stated therein, this action is dismissed based on Plaintiff's failure to state a claim upon which relief may be granted. Because no amendment could remedy the defects noted herein, a judgment will enter on behalf of Defendant. Moreover, this dismissal counts as a "strike" pursuant 28 U.S.C. § 1915(g).

IT IS SO ORDERED this 21st day of June, 2007.



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ROBIN J. CAUTHRON  
United States District Judge